

APPLICATION FOR PERMIT

Serial No. 17527

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office APR 11 1958
 Returned to applicant for correction _____
 Corrected application filed _____

The undersigned Frank McCleary Cattle Co.
Name of applicant
 of Winnemucca (Paradise Valley), County of Humboldt,
 State of Nevada, hereby makes application for
 permission to appropriate the public waters of the State of Nevada, as
 hereinafter stated. (If applicant is a corporation, give date and place
 of incorporation.) State of Nevada, February 7, 1952

1. The source of the proposed appropriation is Cottonwood Creek and tri-
Name of stream, lake or other source
butaries, one tributary being West Fork of Martin Creek.
2. The amount of water applied for is One Hundred (100) second-feet.
One second-foot equals 40 miners' inches
3. The water to be used for Irrigation and domestic
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:
NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 30, T. 41 N., R. 40 E., M.D.B.&M., or at a point
from which the N $\frac{1}{4}$ corner of said Section 30 bears N. 79° 16' E.
Describe as being within a 40-acre subdivision of public survey, or by course and distance to a section corner. If on unsurveyed land, it should be so stated.
1,740.00 feet.

IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- (a) Number of acres to be irrigated is 20,000 in whole or in part
lies in Tps. 39, 40 and 41 N., Rs. 30 and 40 E., M.D.B.&M. This applica-
- (b) Description of land to be irrigated tion simultaneously filed in con-
junction with three others is intended Describe by legal subdivision, or if on unsurveyed land it should
to supplement said other applications as well as to supplement and fill
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction.
the vested rights of applicant. All or parts of Sections 1, 11, 12, 13,
14, 22, 23, 24, 25, 26, 27, 34, 35 and 36, T. 40 N., R. 39 E., M.D.B.&M. All
or parts of Sections 6, 7, 18, 19, 30 and 31, T. 40 N., R. 40 E., M.D.B.&M.
Portion of Section 1, T. 39 N., R. 39 E., M.D.B.&M. All or parts of
Sections 25 and 36, T. 41 N., R. 39 E., M.D.B.&M. All or parts of
Sections 30 and 31 T. 41 N., R. 40 E., M.D.B.&M.
- (c) Use will begin about Jan. 1st and end about Dec. 31st, of each year.
Month Month

IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- (d) Power to be developed is -- horsepower.
- (e) Place of use --
Give location of place of use by legal subdivision
- (f) Point of return of water to stream --
Describe in same manner as point of diversion
- (g) State number and kinds of animals to be watered --

- (h) Use will begin about -- Month and end about -- Month, of each year.

Applicant has vested rights to certain waters of the source but due to
 (1) Remark existing physical climatic and other conditions and limita-
tions water to supply these lands is not always available to fill applic-
ant's necessities and rights during the season between April 1st and Oct.
1st each year. This filing is made in order to take advantage of the
flood and normal supply throughout the year when available and to use it
in large heads when available, also to keep the channels in condition
and to supply the underground water table and hold it at a safe level for
crops and pasture. Martin Creek is deemed to be a tributary of Cotton-
wood Creek through the West branch of Martin Creek where the waters of th
West Branch have heretofore joined Cottonwood Creek.

DESCRIPTION OF PROPOSED WORKS

Concrete, rock and timber diversion dams and headgates of 200 c.f.s. State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water capacity. The existing irrigation system of sloughs, ditches and is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions. channels of various sizes will be used and enlarged where necessary.

5. Estimated cost of works \$15,000.00 to \$20,000.00

6. Estimated time required to construct works Five years

7. Remarks Water will be partially diverted first in NW¹ NW¹ Sec. 30., T. 41 N., R. 40 E., M.D.B.&M. for use of applicant Tps. 41 N., Rs. 39 and 40 E., and in SE¹ SE¹ Sec. 36, T. 41 N., R. 39 E. for lands south of Tp. line between Tps. 40 and 41 North into applicant's existing system of irrigation from Cottonwood & Martin Creeks.
FRANK McCLEARY CATTLE, Applicant.

CO.

By s/ Frank McCleary.

Compared HS/LB

Protested June 3, 1958 by Dwight G. Vedder; 6-23-58 by Rudolph H. Schwartz; by Wm. Stock Farming Co.; by A. C. Buckingham & Sons. 6-25-58 by Bullhead Cattle Co.

DENIAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby ~~grant~~ ^{deny} the same, ~~subject to the following limitations and conditions:~~

On the grounds that there is no unappropriated water in the source during the irrigation season and that the granting, therefore, would be detrimental to the public welfare.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed cubic feet per second.

Actual construction work shall begin on or before

Proof of commencement of work shall be filed before

Work must be prosecuted with reasonable diligence and be completed on or before

Proof of completion of work shall be filed before

Application of water to beneficial use shall be made on or before

. Proof of the application of water to beneficial use must be filed with State Engineer on or before

Map filed May 15, 1950 under/ 13320 WITNESS MY HAND AND SEAL this 8th day

Commencement of work filed

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

Recorded Bk Page

of May, 1964

ELMO J. DeRICCO

State Engineer.

By:

Assistant State Engineer